

Idaho State Department of Agriculture

Invasive Species

June 13, 2013

Lloyd Knight, Facilitator

Present: Lloyd Knight, ISDA; Matt Voile, ISDA; Sean Costello, OAG/ISDA; Dave Parris, IDFG; Sal Palazzolo, IDFG; Michael Stevenson, Idaho Power; Brian Marschman, USDA; Liz Vavricka, ISDA; Gaillyn Jorgensen, ISDA; Pamm Juker, ISDA; Jared Stuart, ISDA, Pamela Hutchinson, U of I; Linda Lemmou, IAA; Norm Semanko, IWUA; Angel O'Brien, ISDA, recording.

Participating by Phone: Louise-Marie Dandurand, U of I.

AGENDA ITEMS

WELCOME

Lloyd Knight convened the meeting at 9:05 a.m.

Mr. Knight acted as facilitator of the rulemaking meeting and introduced ISDA staff members present.

Stakeholders present introduced themselves and stated who they represent:

Brian Marschman, Plant Health Director for USDA introduced himself.

Michael Stevenson, Invasive Species Coordinator for Idaho Power Company introduced himself.

Sal Palazzolo, Idaho Department of Fish and Game introduced himself.

Dave Parrish, Idaho Department of Fish and Game introduced himself.

Pam Hutchinson, Potato Cropping Weed Scientist for University of Idaho joined the meeting.

Mr. Knight passed out preliminary draft rules to attendees and encouraged participation and written comments are also encouraged. He stated we will walk through the preliminary draft rules. All additions to the rule are underlined and deletions are marked by strike through.

Mr. Knight stated he plans on having any revisions to the draft rules up on the Department's website as soon as possible for review. There will be two negotiated rulemaking meetings. He is hopeful to have a final rule published in Administrative Bulletin.

Louise-Marie Dandurand called in to participate by telephone.

Mr. Knight directed the group to page two of the rule to the definition section and asked if anyone has any suggested changes to the section. No suggestions were given.

Mr. Knight directed the group to section 101 Prohibition on Possession, Importation, Shipping or Transportation of Invasive Species.

Mr. Palazzolo asked there is an exempt species list as it relates to biofuels?

Mr. Voile answered not as it relates to the biofuels. Mr. Voile explained the intent of biofuels and definition. Mr. Voile read the new section 105 application for biofuels invasive species permits and the application process.

Mr. Knight asked for questions or comments related to section 105.

Mr. Palazzolo asked, under roman numeral xi, a detail plan outlining survey, can the department add the producer has adequate funding to actually treat the elimination. Section 2 seems to primarily focus on the production facility. Can or should that be extended to include all the production fields? Under 105, under one, that permit process, is there a single permit that the production facility gets, and then each farmer that's growing the crop have to get a separate permit or does the production facility get a permit for everybody they have contracts with to grow the feedstock?

Mr. Knight assumed that the facility could be anywhere where the invasive species was located; a farm field or a processing facility.

Mr. Costello will add a definition of facility to the rule.

Mr. Palazzolo stated Under 02 letter c, to add wildlife movement or transportation of seeds. Under d what is the threshold of potential? Is that going to be clarified? Under g, do we have to add fields in there? 03, is there any consultation with other agencies related to the permit?

Mr. Knight stated we may need to add to that something that references potential consultation with other agencies as one of our conditions. Maybe look Iowa and Missouri.

Mr. Palazzolo can give contact information for Iowa and Missouri. Under 4, one year permit of possession, his concern is it take more than one year to establish feedstock.

Mr. Knight stated that one year gives us a good chance to look at it and renew it every year.

Mr. Palazzolo asked if there is a secondary forced review for a change in the species. Again he cited the state of Missouri.

Mr. Knight stated that maybe add to the front of that section language if the permitted biofuels crop is hybridized require a new permit.

Mr. Voile summarized section 106, application of trap crop permits and provided copies of the USDA Weed Risk Assessment for Sticky Nightshade. Last August the Director of IDSA signed a temporary order designating sticky nightshade a noxious weed.

Ms. Hutchinson stated that U of I and APHIS entities in Idaho are going to start calling it "Litchi tomato". She appreciates ISDA's concern of this plant species and that it's not officially listed as a noxious weed. They have some concerns. They are wondering if we can keep this on a control listing with an annual review rather than listing it, or would it be better to put it on the listing. Would this

permitting restrict the grower?

Mr. Knight stated that because of the emergency order last year, it is on the control list for noxious weeds today. That order, when it expires, it automatically stays essentially in that control list. The order allowed it to be treated a little different than other invasive species on the control list. The difference on the research and production side, we don't intend for it to be more restrictive.

Ms. Hutchinson stated that the permits seem to be annual and asked whether it would be easier to change the permitting rather than amending the rule.

Mr. Knight stated with the permit itself, we have some latitude. The permit itself can be amended pretty quickly.

Ms. Hutchinson referenced her letter to the Department.

Mr. Knight stated that permits are site specific. He talked about what the requirements were last year under the temporary order.

Ms. Dandurand stated the rule requires permitting on a yearly basis and was wondering if she could get a permit for more than one year.

Mr. Knight stated they will look at the language and see if they can give a different timeframe especially for greenhouse applications.

Ms. Dandurand stated that a two year permit would be less daunting for them.

Mr. Marschman mentioned the having the definition of facility in the rule.

Mr. Palazzolo stated that his comments on trap crops section are very similar to his earlier comments like under g the adequate funding.

Ms. Hutchinson requested a word change to Litchi tomato rather than sticky nightshade and questioned whether or not you need black nightshade. Keep it as hybrids with the Litchi tomato. Black nightshade is not listed in any other state as an invasive species plant.

Mr. Voile agreed with Ms. Hutchinson that removing black nightshade would work, and the hybrid statement would cover it.

Ms. Hutchinson asked if we can take Litchi tomato off the list?

Mr. Knight stated no, the Director is not comfortable with doing that at this time.

There was a break in the rulemaking meeting.

Mr. Knight reconvened the meeting.

Mr. Knight directed the group's attention to Section 104 Exempt Species.

Mr. Parrish asked if we needed to have yearly permit or if maybe a five year permit was possible. He stated that it would be better for Fish and Game.

Ms. Lemmou questioned the purpose of the permit, whether it is for control or monitoring purposes.

Mr. Knight stated as it has turned out, it is more of a monitoring tool.

Ms. Lemmou stated that their first choice would be to take off the New Zealand Mud Snail. Their second choice would be if the Department is not ready to take it off, go to the five year permit, and then maybe next completely take it off.

Mr. Knight directed the group to Section 200 Early Detection and Rapid Response Aquatic Invertebrate Invasive Species and asked for comments or questions.

Mr. Parrish stated that Idaho Fish and Game still has bull frog listed as a game fish. At some point we need to sit down and decide what to do with the bull frog.

Mr. Knight questioned whether it should be listed as an invasive species? Should Fish and Game remove it as a game fish?

Mr. Parrish answered that they are somewhat counter to each other, but it makes more sense to list them as an invasive species and for us to remove them as a game fish.

Mr. Knight stated what we ought to do is remove the exemption from possession and transport rather than remove them from the invasive species list.

Mr. Knight directed the group's attention to Section 806. No comments were made.

Mr. Knight directed the group's attention to Section 807, Plant Pathogens

Ms. Vavricka addressed the additions to and deletions of Section 807. No comments were made.

Mr. Knight directed the group's attention to Section 809.

Mr. Voile addressed the additions to the section.

Mr. Palazzolo suggested that we add "and hybrids" to 1-5 biofuels.

Mr. Knight directed the group's attention to Section 810, Plant Trap Crops.

Ms. Hutchinson again requested a change in the common name sticky nightshade to "Litchi tomato".

Mr. Knight adjourned the meeting at 11:15 a.m.

Next meeting: June 27, 2013 at the ISDA at 9:00 a.m.

Respectfully submitted by Angel O'Brien